

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRADLEY BARON,

Plaintiff,

ORDER

- against -

CV 09-4351 (SJF) (AKT)

STAMINA PRODUCTS, INC.

and MERCANTILA, INC.,

Defendants.

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A. KATHLEEN TOMLINSON, Magistrate Judge:

Following up on this Court's April 21, 2010 Show Cause Order [DE 35] and Civil Conference Minute Order [DE 36], the Court has subsequently learned that Plaintiff Bradley Baron came to Court on April 21, 2010 for the scheduled Status Conference. During the afternoon of April 21, Mr. Baron apparently sat in the rear of my courtroom while a trial was being conducted. Unfortunately, Mr. Baron never informed anyone that he was here for the Status Conference and the individuals in the courtroom, including my staff and myself, assumed he was with the parties on trial. When the trial adjourned at 5:00 p.m., Mr. Baron exited the courtroom, apparently believing that all proceedings were completed for the day. Thus, Mr. Baron was not present when his case was called at the scheduled time of 5:15 p.m. and again at 5:45 p.m. Mr. Baron came to Court again today and it came to light that he is a litigant in a pending case. My Law Clerk spoke with Mr. Baron and explained the misunderstanding.

Mr. Baron has advised my Law Clerk that he is requesting an additional four weeks to obtain new counsel. I approved this application and my Law Clerk informed Mr. Baron that the Status Conference will now be held on **May 28, 2010 at 10:30 a.m. in Courtroom 910**. If he

Mr. Baron has not retained new counsel by April 21, then he must appear himself for the Conference. Mr. Baron is hereby on notice that any failure to appear for the conference on May 28, 2010 will result in further action by the Court.

In light of the foregoing information, the Order to Show Cause issued on April 21, 2010 [DE 35] is deemed MOOT. This case will be proceed at the May 28, 2010 conference.

Defendants' counsel is directed to serve a copy of this Order upon Plaintiff forthwith and to file proof of service on ECF.

SO ORDERED.

Dated: Central Islip, New York
April 22, 2010

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge